

**HEALTH AND HUMAN SERVICES COMMISSION
CONTRACT NO. 529-16-0096-00001
TEXAS JUVENILE JUSTICE DEPARTMENT
CONTRACT NO. CON0000478
AMENDMENT NO. 4**

The **Health and Human Services Commission (“HHSC”)** and the **Texas Juvenile Justice Department (“TJJD”)**, who are collectively referred to herein as the "Parties," to that certain **Memorandum of Understanding (“MOU”)**, effective January 1, 2016 and denominated **HHSC Contract No. 529-16-0096-00001 “MOU”**, as amended, now desire to further amend the Contract.

WHEREAS, the Parties desire to revise the language in Section 5 of the MOU; and

WHEREAS, House Bill 1664, 87th Legislature, Regular Session, 2021, amended Section 32.0264 to the Human Resources Code. These new statutes enacted changes relating to the reinstatement of eligibility for medical assistance of certain children place in juvenile facilities. This Act took effect September 1, 2021. Thus, the Parties desire to update Exhibit A, Plan of Operation.

NOW, THEREFORE, the Parties hereby amend and modify the Contract as follows:

1. **SECTION 5** of the Contract, **CONFIDENTIAL INFORMATION**, is hereby amended to correct the statutory citation in Subsection 5.3 to reflect following language:

“Section 58.009(c)(3), Family Code” replacing the current reference to “Section 58.0072(c)(3), Family Code
2. **EXHIBIT A** of the Contract, **PLAN OF OPERATION**, is hereby amended with the addition of **Section 3, MEDICAL ASSISTANCE FOR INPATIENT SERVICES WHILE INCARCERATED**.
3. This Amendment No. 4 shall be effective as of the date last signed below.
4. Except as amended and modified by this Amendment No. 4, all terms and conditions of the Contract, as amended, shall remain in full force and effect.
5. Any further revisions to the Contract shall be by written agreement of the Parties.

SIGNATURE PAGE FOLLOWS


**SIGNATURE PAGE FOR AMENDMENT NO. 4
HEALTH AND HUMAN SERVICES CONTRACT NO. 529-16-0096-00001**

TEXAS HEALTH AND HUMAN SERVICES

By:  DocuSigned by:
884BFEC2A285473...
Name: william D'Aiuto
Title: Associate Commissioner/AES

Date of Execution: February 17, 2022

TEXAS JUVENILE JUSTICE DEPARTMENT

By:  DocuSigned by:
D14FDF06583C4FB...
Name: Camille Cain
Title: Executive Director

Date of Execution: February 16, 2022

THE FOLLOWING ATTACHMENTS ARE ATTACHED AND INCORPORATED AS PART OF THE CONTRACT:

EXHIBIT A – PLAN OF OPERATION

Exhibit A

PLAN OF OPERATION

The Texas Juvenile Justice Department (TJJD) and the Health and Human Services Commission (HHSC) acknowledge and agree that this Plan of Operation (POP) seeks to carry out the requirements of Section 531.02418, Government Code, Section 32.0264 and 32.0265, Human Resources Code, and Section 62.106 and 62.107, Health and Safety Code. This plan may be revised and updated as deemed necessary. The TJJD and HHSC will document and date such revisions to maintain an accurate record of the development of the plan.

1. NOTIFICATION OF PLACEMENT

- Children, who are placed in the following facilities, and are under the supervision of the TJJD or Juvenile Court, are included in this Memorandum of Understanding (MOU). They include:
 - Children placed in a secure facility:
 - A secure pre-adjudication detention facility as defined in Section 51.02(14), Family Code,
 - A secure post-adjudication correctional facility as defined in Section 51.02(13), Family Code, and
 - TJJD secure facility.
 - Children placed in a non-secure facility:
 - A "foster care" facility as defined by the TJJD-Definition of Foster Care: Foster Care is defined in accordance with state and federal regulations to mean 24-hour supervised care for children who have been removed from their normal place of residence (i.e. the home of their parent, legal guardian, managing conservator, custodian, or relative) by an order of the juvenile court and placed in a foster care setting, and for whom the county has responsibility for care and placement. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made for the child's care or whether federal matching of any payments is made;
 - A non-secure correctional facility as defined in Section 51.02(8-a), Family Code;
 - TJJD half-way house; and
 - TJJD contract care facility.
- TJJD will submit to HHSC the required request for permissions, HHSC Form 4743A, the Request for Applications and System Access, to request TIERS access for TJJD and/or Juvenile Probation Department (JPD) staff who will be reporting the placement of children.
- HHSC will provide TJJD/JPD staff with access to a designated page in the Texas Integrated Eligibility Redesign System (TIERS) that allows limited

inquiry to verify whether a child placed in a facility is certified for Medicaid or CHIP.

- The designated page will allow TJJD/JPD staff to report the placement date of children certified for Medicaid or Children's Health Insurance Program (CHIP).
- TJJD/JPD will provide training to staff regarding the use of the designated page in TIERS. The training will include instruction on how to identify children certified for Medicaid or CHIP.
- HHSC will review and approve training developed by TJJD prior to distribution to TJJD/JPD staff.
- TJJD/JPD staff notifies HHSC of the placement of a child currently certified for Medicaid or CHIP by the 30th calendar day after the child's placement.
- The placement of the following children will not be reported by TJJD/JPD:
 - Children who have an active Medicaid or CHIP case upon entering detention and whose stay in detention is less than 30 days;
 - Children who receive Supplemental Security Income (SSI); or
 - Children in Department of Family and Projective Services (DFPS) conservatorship.
- Upon notification of placement from TJJD/JPD, HHSC will suspend the child's Medicaid eligibility or deny the child's CHIP coverage. The child receives coverage through the date HHSC is notified of the placement.
- HHSC notifies the household of the child's Medicaid suspension or CHIP denial.

2. NOTIFICATION OF RELEASE

- Children, who are released from the following facilities, and are under the supervision of the TJJD or juvenile court, are included in this Memorandum of Understanding (MOU). They include:
 - Children released from a secure facility:
 - A secure pre-adjudication detention facility as defined in Section 51.02(14), Family Code,
 - A secure post-adjudication correctional facility as defined in Section 51.02(13), Family Code, and
 - TJJD secure facility.
 - Children released from a non-secure facility:
 - A "foster care" facility as defined by the TJJD-Definitions of Foster Care: Foster Care is defined in accordance with state and federal regulations to mean 24-hour supervised care for children who have been removed from their

normal place of residence (i.e. the home of their parent, legal guardian, managing conservator, custodian, or relative) by an order of the juvenile court and placed in a foster care setting, and for whom the county has responsibility for care and placement. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made for the child's care or whether federal matching of any payments is made;

- A non-secure correctional facility as defined in Section 51.02(8-a), Family Code;
- TJJD half-way house; and
- TJJD contract care facility.

Referrals should only be submitted for youth who may be eligible for Medicaid/CHIP benefits. A screening tool is available (but is not required) to facilitate this process.

- TJJD/JPD will report the following information in the Juvenile Medicaid Tracker (JMT) system and transmit via data file to HHSC:
 - At exit, individual child is being placed with;
 - First Name of individual;
 - Last Name of individual;
 - Relationship of individual to child;
 - SSN of individual, when available;
 - Physical address including zip code of individual;
 - Mailing address including zip code of individual;
 - Transaction status of record; and
 - JMT referral number
- The following children will not be reported in the JMT:
 - Children placed out of state;
 - Children being moved to another residential setting (placement facility, detention center, secure post adjudication facility, etc.);
 - Children who have an active Medicaid or CHIP case upon entering detention and whose stay in detention is less than 30 days;
 - Children who receive Supplemental Security Income (SSI);
 - Children who are not U.S. Citizens and do not meet alien status requirements;
 - Children in DFPS conservatorship;
 - Children whose families have applied for benefits at a location other than the Centralized Benefit Services (CBS); and
 - Children whose families do not want to apply for benefits.
- The process for submitting a referral is as follows:
 - 30 calendar days prior to the anticipated release from a secure or non-secure facility, (or as soon as possible, if release is scheduled within less than 30 calendar days) the TJJD/JPD staff will notify HHSC via the JMT of the pending release of a child potentially eligible for Medicaid or CHIP.
- Referrals that have been submitted and are no longer considered valid, can be closed by TJJD and/or the JPD, as needed; notification will be sent to HHSC via the JMT. HHSC will not take action on closed referrals or communicate via JMT that no action was taken.

- In order to request, communicate, or forward additional information, HHSC and TJJD will utilize the following “Other Actions” options via JMT:
 - Email sending organization;
 - Return to sending organization; and
 - Email HHSC
- The information provided to HHSC via JMT will include the following:
 - Child's Personal Identification Number (PID) or TJJD Number;
 - Child's name, date of birth, Social Security Number (SSN);
 - If child is being released from detention, date detained;
 - Address where child will be residing upon release from placement;
 - Name of person to whom released, and relationship to child;
 - SSN and contact number of person to whom child is released;
 - Name of facility from which child is released;
 - Anticipated date of release;
 - Name of county and supervising probation officer for probation child; and
 - Name of supervising parole officer for TJJD child.
- HHSC and TJJD shall ensure that a nightly interface between JMT and TIERS is completed.
 - The following information will be included on the interface file:
 - Social Security Number (SSN) of child
 - Date of Birth (DOB) of child
 - First name of child
 - Last name of child
 - Name of person to whom released, and relationship to child;
 - SSN of person to whom released, if available;
 - Physical Address including zip code
 - Mailing Address including zip code
 - Anticipated release date from placement
 - Actual release date from placement
- Upon receipt of the anticipated release date, TIERS will evaluate the Medicaid/CHIP status of a reported child. Within seven business days, HHSC will provide a report via the JMT that will include the following information:
 - Whether the child's Medicaid can be reinstated;
 - Whether the child can be added back to an active Medicaid or CHIP case and whether that case is due for review;
 - If the case is due for review, the TJJD and/or the JPD staff will assist the family, as deemed reasonable and appropriate, in the submission of the renewal application provided to them by HHSC as needed;
 - Whether a new application must be completed (if there is no active case) and confirm that an application packet was sent to the family;
 - Whether the child is on SSI. In this case, the TJJD and/or the JPD staff will refer these families to the Social Security Administration for reinstatement of Medicaid benefits;
 - Whether the child has an active Medicaid or CHIP case;
 - Whether the child has an active Medicaid case as an independent youth; or
 - Whether the child has an active Medicaid case through the Title IV-E Program

- For new applications, HHSC will send an application packet to families who do not have active Medicaid or CHIP or whose Medicaid cannot be reinstated. The packet will include the following:
 - Form H1205, Texas Streamlined Application;
 - Postage paid envelope addressed to CBS;
 - A cover letter drafted and approved by HHSC and TJJD which includes:
 - Helpful information and instructions for submitting the application; and
 - Informational paragraph including how to obtain help completing the application; and
 - A list of Community Based Organizations (CBOs) in the family's area, including the contact information for each CBO. The CBOs are available to assist families in completing the application, if requested.
- The TJJD and/or JPD staff will then follow-up with the family, as deemed reasonable and appropriate, regarding completion and submission of the application as part of the case management process. These applications will be forwarded to the CBS unit for processing.
- The TJJD and/or JPD will inform HHSC within 48 hours of the child's actual release date via JMT.
- The following information will be available via the JMT for each child who was reported being released:
 - Name and county of child who was referred to HHSC;
 - Name of child and TJJD facility for child who was referred to HHSC;
 - Name and county of child who was added back to an active case;
 - Name and county of child for which an application was sent to the family;
 - Name and county of child for which an application was received by HHSC;
 - Name and county of child for which an application was not received by HHSC;
 - Name and county of child who was certified with a new case; and
 - Name and county of child who was denied with a denial reason.
- HHSC will notify the TJJD and/or JPD via the JMT of any applications returned by the United States Postal Service (USPS) "unable to deliver." Once notified, the TJJD and/or JPD will make reasonable efforts to locate the household. If the household is located, the TJJD and/or JPD will provide the updated address to HHSC, who will mail the application packet to the new address. HHSC will report via the JMT that an application packet has been mailed to the new address.
- HHSC will report via the JMT that an application has been received from the family. HHSC will process applications following HHSC's internal policy and procedures. "Eligible" determinations will be held pending confirmation of the child's release. If the applicant does not provide sufficient information or verification to make a determination with the application, HHSC will send a notice to the household by mail and request the required information along with an explanation of what is needed and a list of acceptable sources. The TJJD and/or JPD staff will follow-up with the family, as deemed reasonable and appropriate, and assist the family with the completion and submission of the application.
- Once confirmation of release is received, HHSC will complete one of the following

actions:

- Reinstate Medicaid coverage within two business days for children whose Medicaid was suspended upon their placement in a facility and has months remaining on their original certification period;
 - Add the child to an existing Medicaid/CHIP case within two business days provided HHSC has all information necessary to make an eligibility determination;
 - Process the application and certify the child for Medicaid or CHIP, if they meet all eligibility criteria; or
 - Update address for a child active on Medicaid as an independent child upon release, and who are released to self (not a parent or guardian) and will continue to reside in the community as an independent child.
- TJJD/JPD shall provide a written notice to the child's guardian or custodian, as appropriate, that includes the telephone number at which the HHSC may be contacted regarding confirmation of/or assistance relating to reinstatement of the child's eligibility for medical assistance benefits.
 - The medical effective date for a child eligible for Medicaid will be the date of the child's release (this includes weekend releases). If HHSC is unable to make an eligibility determination within this timeframe due to incomplete submission of required documentation, HHSC will request the additional information in accordance with Section 11 of this Agreement and pend the application. HHSC must process the pended application within 24 hours of receipt of the requested documentation. If, however, the household has not provided the required information or the date of release is not confirmed by the 45th day, the application will be denied. If the household still wants to be considered for Medicaid or CHIP, the application will be routed through the normal Medicaid or CHIP processing procedures.
 - HHSC will follow this process for any application received up to 14 calendar days after the child's release from a facility. For applications received on the 15th day, or later, after release, the CBS unit will route the applications through the regular processing procedures. CBS will complete one final inquiry to see if Medicaid or CHIP was approved at another location.
 - After this inquiry on the 15th day, the CBS unit will report through the JMT to TJJD and/or JPD that:
 - The child has Medicaid or CHIP;
 - The application was denied;
 - The CBS unit never received the application; or
 - The application was sent to the local HHSC office.
 - A printable referral summary is available for use in the documentation of JMT activities.
 - HHSC and TJJD will each designate a contact and a backup who will serve as liaisons between the two agencies. The designated TJJD liaison will act in an administrative capacity only; the TJJD and the JPD staff will contact the CBS unit directly regarding case specific questions or issues.
 - If HHSC determines that a child is not eligible for Medicaid, but is eligible for CHIP,

they will process the CHIP eligibility and record the outcome via the JMT.

- HHSC will notify the CHIP enrollment broker of the eligibility via interface.
- The Enrollment Broker will send an enrollment packet with all the information that the household needs to enroll in CHIP. The enrollment packet will include:
 - Provider Directories;
 - Comparison Charts;
 - Enrollment Form; and
 - An enrollment fee coupon with prepaid envelope (if the client owes an enrollment fee).
- Eligible household members must complete the following enrollment requirements:
 - Select their health plan.
 - Pay a yearly enrollment fee per family, if required. This fee is due within 90 days of the date their application was processed and varies depending on the family's Federal Poverty Income Limit (FPIL).
- Families who do not make a health plan choice by the due date will be automatically enrolled in a health plan. Families who still owe a fee after the due date will not be enrolled in the CHIP program.

In general, the effective date of CHIP is dependent on the monthly cut-off date:

- If the enrollment process is completed prior to cutoff, the coverage start date begins the first of the following month.
- If the enrollment process is completed after cutoff, the coverage start date begins the first of the second month following the month the enrollment process was completed.

3. MEDICAL ASSISTANCE FOR INPATIENT SERVICES WHILE INCARCERATED

- In accordance with HB1664 and federal law, if during the period a child is placed in a juvenile facility, the child is hospitalized or becomes an inpatient in another type of medical facility for at least 24 hours, HHSC shall provide medical assistance during the period of the child's inpatient medical services if the child is eligible.
- TJJJD submits applications to HHSC, including any documentation necessary to determine eligibility. Applications are submitted in the month following the month in which the inpatient medical services occurred. In addition to completing the application, TJJJD will provide:
 - Form H1046, Inpatient Medical Services Certification, for every child.
 - Form H3038, Emergency Medical Services Certification, if the child is ineligible for regular Medicaid due to U.S. citizenship or alien status.
 - Proof TJJJD has the authority to act as the child's Authorized Representative (AR).
 - All required verification.

- If a child placed in a JPD facility requires medical assistance for inpatient medical services, a Juvenile Probation Department (JPD) sends necessary paperwork to the TJJD designee and TJJD submits the application on their behalf (Note: This does not apply to children in TJJD custody). TJJD will provide HHSC proof the JPD designated TJJD as the AR.
- The TJJD designee submits applications using YourTexasBenefits.com and enters the correct Community Partner Identification (CPID) number so the applications are routed correctly to CBS. TJJD will use separate CPID numbers for children in TJJD or JPD custody.
 - TJJD staff go through the community partner training process to create the two new CPIDs. HHSC trains TJJD staff to use YourTexasBenefits correctly.
- CBS processes prior Medicaid coverage for the recipient for the dates of service.
 - Any ongoing suspended case is not impacted, if applicable, because the inpatient coverage will be on a new Eligibility Determination Group (EDG).
- If more information is needed to complete the case, HHSC contacts the AR on the case and may send an H1020 to request additional information.
- If the AR changes or leaves TJJD, TJJD notifies HHSC. If a new AR is hired, HHSC provides training on YourTexasBenefits.